

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MY HEALTH, INC., ET AL.,

PLAINTIFFS,

v.

CARDIOCOM, LLC, ET AL.,

DEFENDANTS

CIVIL ACTION NO. 2:13-cv-136

JURY TRIAL DEMANDED

**JOINT MOTION TO AMEND THE DOCKET CONTROL ORDER**

Plaintiffs My Health, Inc. and University of Rochester and Defendants Cardiocom, LLC, Honeywell HomMed, LLC, and Click4Care, Inc. (collectively “the parties”) file this joint Motion to Amend the Court’s Docket Control Order (Dkt. No. 40) to extend the deadline to comply with Patent Rules 3-3 and 3-4.

Since entry of the original Docket Control Order in this case, the parties have conferred regarding Defendants’ contention that Plaintiff’s infringement contentions are deficient in certain respects. Plaintiffs supplemented their infringement contentions on December 3, 2013 with respect to Cardiocom. On December 13, 2013, Plaintiffs confirmed the asserted claims with respect to Cardiocom (1 and 4) and a request to Plaintiffs for clarification of the asserted claims with respect to Honeywell and Click4Care is pending. In attempt to resolve these issues without the need for motion practice, the parties have conferred and agreed on an extension of the time for Defendants to serve invalidity contentions as follows:

<b>Event</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Comply with P.R. 3-3 and 3-4 (Invalidity Contentions)	December 19, 2013	January 9, 2014

Comply with P.R. 4-1 (Exchange Proposed Claim Terms)	January 7, 2014	January 13, 2014
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The parties suggest that good cause exists for this modification to the current DCO. Specifically, the extension will allow the Defendants time to consider additional information and supplementation Plaintiffs provided in their supplemental infringement contentions. Further, the modification will not alter any other dates. The proposed amendment to the Docket Control Order is not being made unnecessarily to delay the proceedings and should not affect the other scheduled dates.

For the foregoing reasons, the parties respectfully request that this motion be granted.

DATE: December 19, 2013

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies pursuant to Local Rule CV-7(h) that the relief requested in this motion is agreed.

/s/ Wesley Hill

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this 19th day of December, 2013.

/s/ Wesley Hill